

Decision No. R24-0945-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24M-0399TR

IN THE MATTER OF THE PETITION OF RICARDO GONZALES TO REVERSE AN INITIAL DRIVER DISQUALIFICATION DETERMINATION PURSUANT TO § 40-10.1-110, C.R.S. AND RULE 6114, AND REQUEST FOR HEARING

INTERIM DECISION GRANTING MOTION FOR CONTINUANCE AND SETTING DEADLINE FOR PETITIONER TO FILE A RESPONSE TO THE MOTION FOR SUMMARY JUDGMENT

Issued Date: December 30, 2024

I. STATEMENT

A. Background

1. On September 20, 2024, Ricardo Gonzales (“Petitioner”) filed the Petition described in the caption above.
2. On October 8, 2024, Trial Staff of the Commission (“Staff”) filed a Notice of Intervention by Right.
3. On October 9, 2024, the Commission referred the proceeding by minute entry to an Administrative Law Judge (“ALJ”). The proceeding was subsequently assigned to the undersigned ALJ.
4. On November 1, 2024, the ALJ issued Decision No. R24-0797-I that ordered Staff to: (a) confer with Mr. Gonzales regarding a schedule for this proceeding, including a date for the hearing, deadlines for the filing and serving of witness and exhibit lists and exhibits, and

the method by which the hearing should be conducted (in-person, remote, or hybrid hearing); and

(b) file a report of the conferral on or before November 13, 2024.

5. On November 13, 2024, Staff filed the conferral report in which the parties proposed the following schedule:

<u>Event</u>	<u>Date/Deadline</u>
Prehearing Motions	November 20, 2024
Exhibit and Witness Lists and Exhibits	December 12, 2024
Evidentiary Hearing	December 19, 2024
Statements of Position (if requested)	January 10, 2025

The conferral report also stated that the parties agreed to shorten response time to prehearing motions to seven days, Staff desired a remote hearing, and Mr. Gonzales did not state a position regarding the method of hearing during their conferral.

6. The ALJ sent an email to the parties on November 19, 2024 stating that the schedule proposed by the parties in the conferral report would be adopted, but that the written Interim Decision formally stating as much would not issue before the November 20, 2024 proposed deadline for prehearing motions.

7. On November 20, 2024, Staff filed a Motion for Summary Judgment and attached redacted and confidential versions of Petitioner’s criminal history record.

8. On November 25, 2024, the ALJ issued Decision No. R24-0870-I that adopted the schedule proposed by the parties, shortened response time to prehearing motions to seven days, and scheduled a remote hearing for December 19, 2024.

9. Petitioner did not file a written response to the Motion for Summary Judgment.

10. On December 18, 2024, Petitioner sent an email to the ALJ requesting a continuance of the hearing. Petitioner copied counsel for Staff on the email. The ALJ responded to the email stating that the hearing would go forward as scheduled at which time Petitioner could make an oral motion to continue the hearing.

11. On December 19, 2024, the hearing took place as scheduled.

II. MOTION FOR CONTINUANCE AND RESPONSE TO MOTION FOR SUMMARY JUDGMENT

12. At the outset of the hearing on December 19, 2024, Petitioner made an oral motion for continuance based on his failure to successfully upload his exhibits to Box.com and his resulting unpreparedness for the hearing. Staff did not oppose the motion for continuance. As a result, the ALJ granted the motion.

13. While Petitioner confirmed at the hearing that he is aware and has a copy of Staff's Motion for Summary Judgment, he did not understand that he was required to file a written response thereto. As a result, the ALJ established a new deadline of January 10, 2025, for Petitioner to file a written response to the Motion for Summary Judgment. The ALJ also instructed the parties that he would issue a decision on the Motion for Summary Judgment before rescheduling the evidentiary hearing in this proceeding, as necessary.

III. ORDER

A. It Is Ordered That:

1. The oral motion for continuance of the hearing made by Petitioner Ricardo Gonzales at the December 19, 2024 hearing is granted.

2. The new deadline for Petitioner to file a written response to the Motion for Summary Judgment filed by Trial Staff of the Commission is January 10, 2025.

3. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONOR F. FARLEY

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads 'Rebecca E. White'.

Rebecca E. White,
Director